

UNITED STATES DISTRICT COURT

MAY 19 2010

Northern

District of

Utah **D. MARK JONES, CLERK**  
BY

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE** DEPUTY CLERK

V.

Steven Brady Elmore

Case Number: DUTX 1:07-cr-000116-001 DB

USM Number: 15144081

Jeremy Delicino

Defendant's Attorney

**THE DEFENDANT:**

☒ pleaded guilty to count(s) 1 & 2

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18USC§1344	Bank Fraud		1
18USC§1028A	Aggravated Identity Theft		2

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) 3 & 4 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/14/2010

Date of Imposition of Judgment

Dee Benson  
Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

5/18/2010

Date

DEFENDANT: Steven Brady Elmore  
CASE NUMBER: DUTX 1:07-cr-000116-001 DB

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Steven Brady Elmore

CASE NUMBER: DUTX 1:07-cr-000116-001 DB

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Steven Brady Elmore

CASE NUMBER: DUTX 1:07-cr-000116-001 DB

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall reside in a residential reentry center under a Public Law placement for a period of up to 180 days, with release for work, education, medical, religious services, treatment, or other approved release as deemed appropriate by the probation office or residential reentry center.
2. The defendant will submit to drug/alcohol testing under a co-payment plan as directed by the probation office.
3. The defendant shall participate in a substance-abuse evaluation and/or treatment under a co-payment plan as directed by the probation office. During the course of treatment, the defendant shall not consume alcohol nor frequent any establishment where alcohol is the primary item of order.
4. The defendant shall provide the probation office access to all requested financial information.
5. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the United States Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

DEFENDANT: Steven Brady Elmore  
CASE NUMBER: DUTX 1:07-cr-000116-001 DB

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 200.00	\$	\$ 31,381.42

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Bank of America, Office Manager, 1000 W Temple Street, Los Angeles, CA., Los Angeles, CA., 90012 1514 Reference: Steven Elmore	\$12,136.43	\$12,136.43	
Citi Financial, Office Manager, 30 St. Paul Place, Baltimore, MD 21202 Ref: Steven Elmore	\$8,248.78	\$8,248.78	
Amer First Credit Union, Fraud Dept PO 9199 Ogden, Utah 8409-0199 Ref: Steven Elmore	\$10,996.21	\$10,996.21	

<b>TOTALS</b>	\$ <u>31,381.42</u>	\$ <u>31,381.42</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Steven Brady Elmore  
CASE NUMBER: DUTX 1:07-cr-000116-001 DB

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Restitution in the amount of \$31,381.42 is due and payable. Payment of criminal monetary penalties shall be made in accordance with a schedule established by the Bureau of Prisons Inmate Financial Responsibility Program while incarcerated. Upon release from imprisonment, payments will be made at a minimum rate of \$100.00 per month or as directed by the United States Probation Office.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

# UNITED STATES DISTRICT COURT

Northern

District of

UNITED STATES OF AMERICA

V.

Stanley Ingram King

## JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 1:09-cr-000073-002 DB

USM Number: 16500-081

Daphne A. Oberg

Defendant's Attorney

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 19 2010  
By MARK JONES, CLERK  
DEPUTY CLERK

### THE DEFENDANT:

☒ pleaded guilty to count(s) 4 and 5

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18USC§1344	Bank Fraud		4
18USC§1028A	Aggravated Identity Theft		5

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) 1 and 2 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/14/2010

Date of Imposition of Judgment

*Dee Benson*

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

5/18/2010

Date



DEFENDANT: Stanley Ingram King  
CASE NUMBER: DUTX 1:09-cr-000073-002 DB

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

51 months. Count 4 - 27 months. Count 5 - 24 months. This sentence is to run concurrent with the state sentences the defendant is now serving.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends a Federal Correctional Institution at Sheridan, OR., for family visitations.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Stanley Ingram King  
CASE NUMBER: DUTX 1:09-cr-000073-002 DB

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Stanley Ingram King  
CASE NUMBER: DUTX 1:09-cr-000073-002 DB

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant will submit to drug/alcohol testing under a co-payment plan as directed by the probation office.
2. The defendant shall participate in a substance-abuse evaluation and/or treatment under a co-payment plan as directed by the probation office. During the course of treatment, the defendant shall not consume alcohol nor frequent any establishment where alcohol is the primary item of order.
3. The defendant shall participate in a mental-health treatment program under a co-payment plan as directed by the probation office, take any mental-health medications as prescribed.
4. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the United States Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

DEFENDANT: Stanley Ingram King  
CASE NUMBER: DUTX 1:09-cr-000073-002 DB

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$ 0.00	\$ 0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Stanley Ingram King  
CASE NUMBER: DUTX 1:09-cr-000073-002 DB

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

CARLIE CHRISTENSEN, Acting United States Attorney (#633)  
WILLIAM K. KENDALL, Assistant United States Attorney (#7906)  
Attorneys for the United States of America  
185 South State Street, Suite 300  
Salt Lake City, Utah 84111  
Telephone: 801.524.5682

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 19 2010  
BY D. MARK JONES, CLERK  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

---

UNITED STATES OF AMERICA,	:	Case No. 1:09cr101 DB
	:	
Plaintiff,	:	ORDER GRANTING LEAVE OF
vs.	:	COURT TO FILE A DISMISSAL
	:	
KEPA MAUMAU,	:	Honorable Dee Benson
	:	
Defendant.	:	

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Based upon the motion of the United States of America, the Court hereby grants  
leave under Rule 48(a) of the Federal Rules of Criminal Procedure for the dismissal of the  
Indictment.

DATED this 19<sup>th</sup> day of May, 2010

BY THE COURT:



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HONORABLE DEE BENSON  
United States District Court Judge

---

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

---

<b>UNITED STATES OF AMERICA</b>	:	
Plaintiff,	:	<b>ORDER EXONERATING BOND</b>
vs.	:	
<b>PHILLIP BINDER,</b>	:	Case No. 2:05CR597 DAK
Defendant.	:	

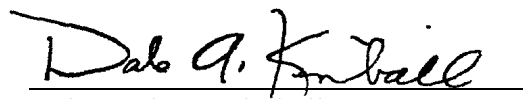
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Based upon the request of Ms. Olivia Jackson Binder, the spouse of Defendant and the source of funds for the cash bond submitted in this case, and good cause shown, it is HEREBY ORDERED that the \$10,000.00 cash bond in the above-referenced matter, is exonerated.<sup>1</sup>

IT IS FURTHER ORDERED that the \$10,000.00 cash bond posted by Ms. Binder on behalf of Mr. Binder be returned to her at the following address:

Olivia Jackson Binder:  
2050 Sherwood Lake Dr.  
Apt. 4B  
Schererville, IN 46375

DATED this 19<sup>th</sup> day of May, 2010.

  
\_\_\_\_\_  
Judge Dale A. Kimball  
United States District Court

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<sup>1</sup> See Defendant Phillip Binder's Source of Funds Submission, Docket # 22.



FILED  
U.S. DISTRICT COURT

2010 MAY 19 A 11:23

IN THE UNITED STATES DISTRICT COURT  
STATE OF UTAH, CENTRAL DIVISION

DISTRICT OF UTAH  
BY:                       
DEPUTY CLERK

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARRY BLACKMORE,

Defendant.

)  
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)  
)  
)  
)  
)  
)

ORDER GRANTING DEFENDANT'S  
MOTION TO TRAVEL TO  
CANADA

JUDGE TENA CAMPBELL

Case No. 2:05-CR-00601 TC  
MAGISTRATE JUDGE SAM ALBA

Based on the Motion of defense counsel and good cause appearing:

IT IS HEREBY ORDERED that:

Defendant Mr. Garry Blackmore be allowed to travel from the United States to Canada from  
May 29 to June 7, 2010.

DATED this 18<sup>th</sup> day of May 2010.

  
HONORABLE JUDGE SAMUEL ALBA  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH CENTRAL DIVISION

FILED  
U.S. DISTRICT COURT  
2010 MAY 19 A 10:10

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

Man Tat Le

Defendant(s).

Case No. 2:07-cr-00080-TC-1

DISTRICT OF UTAH  
DEPUTY CLERK

RISE PROGRAM ORDER

Upon recommendation of the RISE screening committee and the execution of the Rise Program Agreement by the defendant,

It is hereby ordered that Man Tat Le be admitted to the RISE program. Further proceedings in this matter will be governed by the RISE program protocol. The management of this defendant is referred to the RISE Program Magistrate Judge Brooke C. Wells, as authorized by 28 U.S.C. 636(b)(1)(A), for all further hearings. The RISE Program Judge may order sanctions which are outlined in the RISE program.

Upon notification by the RISE Program Judge that Man Tat Le has failed to meet his/her responsibilities under the program, the defendant will be removed from the program and subject to possible additional sanctions.

DATED this 18<sup>th</sup> day of May, 2010.

BY THE COURT:



Judge Tena Campbell  
United States District Judge

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

**GEORGE LOPEZ,**

**Plaintiff,**

**v.**

**ADMINISTRATIVE OFFICE OF THE  
COURTS, a judicial branch of the State of  
Utah; KATHY ELTON, an individual; and  
JOHN DOES 1-10, individuals,**

**Defendants.**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 2:07-cv-571-TC-PMW**

**Chief District Judge Tena Campbell**

**Magistrate Judge Paul M. Warner**

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Chief District Judge Tena Campbell referred this case to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(A).<sup>1</sup> Before the court are (1) George A. Lopez’s (“Plaintiff”) motion for an order to show cause why mediation should not proceed<sup>2</sup> and (2) the Administrative Office of the Courts and Kathy Elton’s (collectively, “Defendants”) motion to withdraw this case from the court-annexed Alternative Dispute Resolution Program (“ADR Program”).<sup>3</sup> The court has carefully reviewed the written memoranda submitted by the parties. Pursuant to civil rule 7-1(f) of the Rules of Practice for the United States District Court for the

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<sup>1</sup> See docket no. 31.

<sup>2</sup> See docket no. 37.

<sup>3</sup> See docket no. 39.

District of Utah, the court has concluded that oral argument is not necessary and will determine the motions on the basis of the written memoranda. *See* DUCivR 7-1(f).

On June 5, 2009, in response to motions filed by Plaintiff and Defendants, this court vacated the scheduling order and referred this case to the ADR Program for mediation.<sup>4</sup> Thereafter, the parties stipulated to the selection of a mediator,<sup>5</sup> and on November 23, 2009, the court issued a notice scheduling a mediation conference for December 9, 2009.<sup>6</sup> That notice clearly stated that the parties' mediation statements were to be delivered to the mediator no later than 5:00 p.m. on December 2, 2009. Defendants assert, and Plaintiff does not dispute, that as of December 4, 2009, Plaintiff had not delivered his mediation statement to the mediator. Consequently, Defendants' counsel contacted the mediator and cancelled the scheduled mediation conference. The mediator provided notice of the cancellation to the court's ADR Program Administrator, who in turn provided that notice to Plaintiff. The mediation conference was not rescheduled.

In his motion now before the court, Plaintiff argues that the mediation should go forward and that Defendants should be ordered to show cause why mediation should not go forward. Plaintiff also argues that the court's "ADR judge should review and determine whether, perhaps, some unintended but no less mischievous force has worked an unfair prejudice against the

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<sup>4</sup> *See* docket no. 34.

<sup>5</sup> *See* docket no. 35.

<sup>6</sup> *See* docket no. 36.

parties' attempt to mediate.”<sup>7</sup> Plaintiff makes the unsupported allegation that there was “intrigue and questionable interplay” among the court’s ADR Program Administrator, the agreed-upon mediator, and Defendants’ counsel.<sup>8</sup>

In response, Defendants filed their motion to withdraw this case from the ADR Program. Defendants argue that good cause exists for withdrawing this case from mediation and that there is no basis for Plaintiff’s request for an order to show cause. Defendants also argue that Plaintiff’s allegations about misconduct are not properly before this court.

For the following reasons, the court agrees with Defendants’ arguments and concludes that Plaintiff’s arguments are without merit. First, Defendants have established good cause for withdrawing this case from the ADR Program. The Alternative Dispute Resolution Plan for the United States District Court for the District of Utah (“ADR Plan”) provides that the court may withdraw a case from the ADR Program “[o]n its own motion, or for good cause shown upon motion by a party.” ADR Plan, Section 1(b). It is undisputed that Plaintiff failed to deliver his mediation statement to the mediator by the deadline provided in the notice scheduling the mediation conference. Based on that failure, Defendants cancelled the mediation conference. Thereafter, no efforts were made by either Plaintiff or Defendants to reschedule the mediation conference, and this case sat idle until Defendants notified Plaintiff that they were no longer

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<sup>7</sup> Docket no. 38 at 3-4.

<sup>8</sup> Docket no. 44 at 10.

interested in pursuing mediation. Based on those circumstances, the court concludes that good cause exists for withdrawing this case from the ADR Program. *See id.*

Second, there is no basis for Plaintiff's request that Defendants be ordered to show cause why mediation should not go forward in this case. As Defendants have correctly noted, the parties have not agreed to mandatory or binding mediation. Defendants have also correctly noted that neither the court's local rules nor the ADR Plan contain any indication that mediation under the ADR Program is mandatory or binding. While Plaintiff appears to concede both of those points, he argues that this court's previous order referring the case to the ADR Program somehow requires the parties to mediate, regardless of the circumstances. That argument fails. The ADR Plan specifically contemplates withdrawal of a case from the ADR Program by way of either the court's own motion or a motion by a party. *See id.* In addition, even when the court refers a case to the ADR Program, the court retains the inherent authority to supervise that case, which includes the ability to withdraw the case from the ADR Program. *See* DUCivR 16-2(h); ADR Plan, Section 1(b).

Finally, Defendants have correctly asserted that Plaintiff's allegations about misconduct in the mediation process are not properly before this court. In relevant part, civil rule 16-2 of the Rules of Practice for the United States District Court for the District of Utah provides that

[t]he court will designate a district or magistrate judge to serve as the ADR compliance judge (ADR judge) to hear and determine complaints alleging violations of provisions of this rule or the ADR Plan. When necessary, the chief judge may designate an alternative district or magistrate judge to temporarily perform the duties of the ADR judge.

DUCivR 16-2(i). That rule also provides that

[a] complaint alleging that any person or party, including the assigned ADR roster or pro tem member(s), has materially violated a provision of this rule or the ADR Plan shall be submitted to the ADR judge in writing or under oath. Copies of complaints that are reviewed by the ADR judge and not deemed frivolous and dismissed shall be sent by the clerk to all parties to the action and, where appropriate, to the assigned ADR roster or pro tem member(s). Complaints shall neither be filed with the clerk nor submitted to the judge assigned to the case.

DUCivR 16-2(j)(1).

Based on those provisions of rule 16-2, as well as Judge Campbell's referral of this case to Judge Warner pursuant to 28 U.S.C. § 636(b)(1)(A), Plaintiff asserts that Judge Warner has been designated as the ADR Judge in this case. That assertion is incorrect. Judge Campbell referred this case to Judge Warner pursuant to 28 U.S.C. § 636(b)(1)(A) to hear and determine all nondispositive pretrial matters. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). That referral did not somehow also designate Judge Warner as the ADR Judge in this case. Further, the court has not designated an ADR Judge in this case. The court would have done so only if a complaint had been filed in accordance with civil rule 16-2(j). By including his allegations about misconduct in his motion before the court, Plaintiff has not lodged a complaint in accordance with rule 16-2. *See* DUCivR 16-2(j)(1) ("Complaints shall neither be filed with the clerk nor submitted to the judge assigned to the case.").


Based on the foregoing, Plaintiff's motion for an order to show cause why mediation should not proceed<sup>9</sup> is **DENIED**, and Defendants' motion to withdraw this case from the ADR Program<sup>10</sup> is **GRANTED**.

As part of their motion, Defendants have also requested the entry of a new scheduling order. *See* ADR Plan, Section 1(c) ("On withdrawal of an action from the ADR program, the formal stay of discovery will be lifted and the case will continue on the pretrial schedule previously set by the district or magistrate judge. Where no pretrial scheduling order has been set, the court or magistrate judge will enter an appropriate scheduling order pursuant to DUCivR 16-1(a)(1)."). Defendants' request is **GRANTED**. The parties are directed to attempt to meet and confer in an effort to stipulate to dates and deadlines for a new scheduling order. If those efforts are successful, the parties are directed to file a stipulated motion for a scheduling order, along with a proposed scheduling order, for the court's consideration. If, on the other hand, those efforts are unsuccessful, either party may file a motion for a scheduling order with the court.

**IT IS SO ORDERED.**

DATED this 19th day of May, 2010.

BY THE COURT:



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PAUL M. WARNER  
United States Magistrate Judge

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<sup>9</sup> *See* docket no. 37.

<sup>10</sup> *See* docket no. 39.



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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA

Plaintiff,

v.

Real Property located at [REDACTED]  
El Mirage, Arizona, et al.,

Defendants.

ORDER LIFTING STAY  
AS TO GREGORY J. CROSBY,  
LAURA B. HARDING, AND  
CHRISTINA K. HARAMIJA

CASE: 2:07CV00625-DAK

JUDGE: DALE A. KIMBALL

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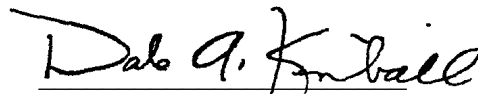
Pursuant to the Government's motion to lift the stay, and good cause appearing:

IT IS HEREBY ORDERED that the Government's motion to lift the stay is granted.

IT IS FURTHER ORDERED that the stay entered by this Court on April 20, 2009 (Docket # 27) pertaining to Gregory J. Crosby, Laura B. Harding, and Christina K. Haramija is lifted to allow the case to proceed forward without further delay.

DATED this 19<sup>th</sup> day of May, 2010.

BY THE COURT:



DALE A. KIMBALL, Judge  
United States District Court

United States Probation Office  
for the District of Utah

Report on Offender Under Supervision

Name of Offender: **Kevin Ronald Cole Fletcher**

Docket Number: **2:08-cr-00446-001-DB**

Name of Sentencing Judicial Officer: **Honorable Dee Benson**  
**United States District Judge**

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

Date of Original Sentence: **September 1, 2009**

**MAY 19 2010**

Original Offense: **Felon in Possession of a Firearm**

**D. MARK JONES, CLERK**  
BY \_\_\_\_\_  
DEPUTY CLERK

Original Sentence: **8 Months BOP Custody/36 Months Supervised Release**

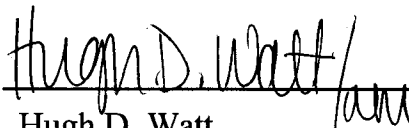
Type of Supervision: **Supervised Release** Supervision Begins: **June 11, 2010**

SUMMARY

The Department of Corrections for the state of Utah has requested that the Presentence Report for the above-named defendant be released to ensure the defendant's compliance with sex offender registration requirements.

If the Court desires more information or another course of action, please contact me at (801) 535-2792.

I declare under penalty of perjury that the foregoing is true and correct.



Hugh D. Watt  
U.S. Probation Officer  
Date: May 18, 2010

THE COURT:

- ☒ Approves the request noted above  
☐ Denies the request noted above  
☐ Other



Honorable Dee Benson  
United States District Judge

Date: 5-15-10

United States District Court  
DISTRICT OF UTAH

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 10 2010

BY D. MARK JONES, CLERK  
DEPUTY CLERK

UNITED STATES OF AMERICA

V.

ORDER OF DISCHARGE  
AND DISMISSAL

ADAM MINKOFF

CASE NUMBER: 2:09-CR-00483-001 RTB

WHEREAS, the above-named defendant having previously been placed on probation under 18 U.S.C. § 3607 for a period not exceeding one year, and the Court having determined that said defendant has completed the period of probation without violation,

IT IS ORDERED that pursuant to 18 U.S.C. § 3607(a), the Court, without entry of judgment, hereby discharges the defendant from probation and dismisses those proceedings for which probation had been ordered.



Honorable Robert T. Braithwaite  
United States Magistrate Judge

5-10-10

Date

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>GARY SCHWARTZKOPF,</p> <p>Defendant.</p>	<p>MEMORANDUM DECISION AND ORDER OVERRULING OBJECTION AND DENYING DEFENDANT’S MOTION TO SUPPRESS</p> <p>Case No. 2:09-CR-560 TS</p>
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This matter is before the Court on Defendant’s objection to the Report and Recommendation of the United States District Court Magistrate Judge. This case was referred to Magistrate Judge Robert Braithwaite under 28 U.S.C. § 636(b)(1)(B). On March 8, 2010, Magistrate Judge Braithwaite issued a Report and Recommendation on Defendant Schwartzkopf’s Motion to Suppress, recommending the Motion be denied. On March 18, 2010, Defendant filed a partial Objection to the legal analysis applied by the court.

Those portions of the Magistrate Judge’s Report and Recommendation objected to by

Defendant are subject to *de novo* review by this Court.<sup>1</sup> Defendant does not object to the findings of fact and therefore the Court will accept the factual findings of the report.

### **I. Facts**

The following facts are taken from the Report and Recommendation.<sup>2</sup> Trooper Ryan Bauer testified that on July 4, 2009, he was running radar in a median near milepost 48, on I-15 in Iron County. Trooper Bauer was positioned so that he could observe both the northbound and southbound traffic on I-15. At some point during the daylight hours, Trooper Bauer noticed a black Lincoln traveling north. The vehicle had Wyoming license plates. As the Lincoln passed his location, Trooper Bauer noticed the car had dark window tinting on the front driver's side. Trooper Bauer indicated he was most concerned with the window right next to the driver because he believed it was darker than the 43 percent light transmittance required by Utah law. In order to look at the tinted windows a second time, Trooper Bauer caught up with the car and pulled along side of Defendant Schwarzkopf. The Trooper still believed the windows "were definitely darker than what Utah law and our safety rules allow in the State of Utah."<sup>3</sup> Trooper Bauer proceeded to stop and pull over the car based on the window tint violation. Later testing of the window using a tint meter indicated it allowed only 13.5 percent light transmittance. A subsequent search of the car revealed controlled substances and drug paraphernalia.

Defendant Schwarzkopf seeks suppression of all evidence seized as a result of this stop.

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<sup>1</sup>See 28 U.S.C. § 636(b)(1)(B); *see also* FED. R. CRIM. P. 59(b)(3).

<sup>2</sup>Docket No. 60.

<sup>3</sup>*Id.* at 2.

## II. Report and Recommendation

The Magistrate Judge determined that the traffic stop was valid under the Fourth Amendment and that there were no violations of either the Full Faith and Credit Clause or the Commerce Clause.

“[A] traffic stop is valid under the Fourth Amendment if the stop is based on an observed traffic violation or if the police officer has reasonable articulable suspicion that a traffic or equipment violation has occurred or is occurring.”<sup>4</sup> “[The] sole inquiry is whether this particular officer has reasonable suspicion that this particular motorist violated ‘any one of the multitude of applicable traffic and equipment regulations’ of the jurisdiction.”<sup>5</sup>

Because Trooper Bauer observed (and confirmed his observation by driving alongside Defendant’s the vehicle) and believed the window tinting was darker than permitted by Utah law, the Magistrate Judge found he had reasonable articulable suspicion to stop the car under the Fourth Amendment.

Defendant argued that there was no reasonable suspicion because the car was registered in Wyoming and Trooper Bauer lacked reasonable suspicion regarding Wyoming tinting laws. The Magistrate Judge rejected this argument based on *United States v. Ramirez*,<sup>6</sup> and *United States v. Velasquez-Rojo*.<sup>7</sup> In *Ramirez*, another case involving Trooper Bauer, he had stopped a

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<sup>4</sup>*United States v. Botero-Ospina*, 71 F.3d 783, 787 (10th Cir. 1995) (footnote omitted).

<sup>5</sup>*Id.* (quoting *Delaware v. Prouse*, 440 U.S. 648, 661 (1979)).

<sup>6</sup>86 Fed. App’x. 384, 2004 WL 100525 (10th Cir. 2004).

<sup>7</sup>2007 WL 1594773 (D. Utah June 1, 2007).

van for window tint in violation of Utah law. It was undisputed that the van's tint did not violate the less restrictive law in Colorado, the state where the van was registered.<sup>8</sup> Defendant Ramirez appealed the District Court's denial of his Motion to Suppress based on the same argument of Defendant Schwartzkopf, that Trooper Bauer lacked reasonable suspicion that Defendant violated an applicable equipment regulation.<sup>9</sup>

The Tenth Circuit rejected Defendant Ramirez's argument, explaining "[h]ere, the State of Utah is competent to pass legislation dealing with window tinting of vehicles operated within Utah. Utah is not required by the Full Faith and Credit Clause to apply the window tinting statute of Colorado in lieu of its own statute."<sup>10</sup> The Court further noted that, "[e]ven if the Utah statute were repugnant to the Constitution, the 'good faith exception' to the exclusionary rule would apply."<sup>11</sup> In *Velasquez-Rojo*, this Court also upheld traffic stops based on window tint violations on out-of-state vehicles.<sup>12</sup>

Based on those two precedents, the Magistrate Judge found that, Trooper Bauer had properly stopped Defendant Schwarzkopf based on reasonable suspicion that the vehicle's window tint violated Utah law. The Magistrate Judge also found that it was irrelevant whether

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<sup>8</sup>*Ramirez*, 86 Fed. App'x at 385.

<sup>9</sup>*Id.*

<sup>10</sup>*Id.* at 386.

<sup>11</sup>*Id.* at n.1; see *Illinois v. Krull*, 480 U.S. 340 (1987); *United States v. Vannes*, 342 F.3d 1093 (10th Cir. 2003) ("The exclusionary rule does not apply to evidence obtained by police officers who act in reasonable reliance on validly enacted statutes.").

<sup>12</sup>*Valesquez-Rojo*, 2007 WL 1594773, at \*2.

Defendant's vehicle violated Wyoming's window tint law.

The Magistrate Judge also found that even if the traffic stop was unlawful, suppression of the evidence was unwarranted. This determination was based on *United States v. Eckhart*.<sup>13</sup> That court adopted a Report and Recommendation of the Magistrate Judge which found that "[t]he Full Faith and Credit Clause does not preclude a state from enforcing its own vehicle equipment laws."<sup>14</sup> The *Eckhart* court was unpersuaded by the defendant's argument that Utah equipment laws "interfere with the right to interstate travel, under the Privileges and Immunities Clause, and they violate the Dormant Commerce Clause."<sup>15</sup> Further, like in *Ramirez*, the *Eckhart* court found that even if the Utah equipment regulation was found to be unconstitutional, the good faith exception to the exclusionary rule would prevent suppression of the evidence.<sup>16</sup>

The Magistrate Judge concluded that Trooper Bauer reasonably relied on a valid statute, and that even if application of the statute to out-of-state vehicles was found to be unconstitutional, the evidence would not be suppressed based on the good faith exception. The Magistrate recommended Defendant Schwarzkopf's motion to suppress be denied.

### III. Analysis

Defendant objects to the Magistrate Judge's finding that Trooper Bauer had reasonable articulable suspicion because the stop was based on a violation of Utah law, while Defendant was

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<sup>13</sup>2006 WL 1073465 (D. Utah April 10, 2006).

<sup>14</sup>*Id.* at \*11.

<sup>15</sup>*Id.*

<sup>16</sup>*Id.*



driving an out of state vehicle with clearly marked Wyoming plates. Defendant also argues that, in analyzing the reasonableness of the stop, the Commerce Clause should be considered.

Defendant argues that this case is analogous to *Bibb v. Navajo Freight*,<sup>17</sup> where the Supreme Court invalidated a law requiring special mud flaps on certain vehicles. Defendant analogizes that it is similarly impermissible for the State of Utah to require all cars traveling through the state to conform with special window tint laws. Finally, Defendant argues that the good faith exception does not apply in this case because it is only applicable to warrant cases.<sup>18</sup>

Defendant cites *State v. Friesen*,<sup>19</sup> for the proposition that a stop is not supported by reasonable suspicion when the trooper is unsure of the law in the state where the car is registered because “[t]o enforce the law, an officer must know what the law is, and what it prohibits.”<sup>20</sup> In *Friesen*, the defendant driving a car with Wyoming plates was stopped for not having a front license plate and the defendant challenged the stop arguing that Wyoming law did not require a front license plate.<sup>21</sup> In that case, the trooper who pulled Friesen over stated that he had pulled Friesen over because his vehicle was missing a front license plate.<sup>22</sup> The trooper stated that he was “unsure of Wyoming’s license plate requirement,” but he knew that some states did not

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<sup>17</sup>359 U.S. 520 (1959).

<sup>18</sup>*United States v. Leon*, 486 U.S. 897 (1984).

<sup>19</sup>988 P.2d 7 (Ut. Ct. App. 1999).

<sup>20</sup>*Id.* at ¶ 13.

<sup>21</sup>*Id.*

<sup>22</sup>*Id.* at ¶ 3.

require a front license plate, and he assumed the Wyoming required two license plates.<sup>23</sup>

Defendant's reliance on this case is misplaced. The Utah Court of Appeals accepted the trial court's finding that the only reason the trooper pulled Friesen over was because of the missing front plate, and he presumed Friesen violated a Wyoming motor vehicle law.<sup>24</sup> The Appellate Court went on to state "[a]lthough the people of Utah have an interest in requiring individuals traveling our highways to comply with the law, including the law regarding the display of license plates, this interest does not justify arbitrary stopping out-of-state vehicles on the chance that there has been a violation of another state's law."<sup>25</sup> The *Friesen* Court held there was no reasonable articulable suspicion because the trooper based the stop on a presumption about Wyoming's laws, he did not stop Mr. Friesen based on a violation of Utah's laws. *Friesen* is clearly distinguishable from the facts in this case.

The Court will follow the prior decisions of this District and the Tenth Circuit, which have found that the stopping of an out-of-state car for violations of Utah law to constitute reasonable and articulable suspicion. Consequently, the Court finds Trooper Bauer had reasonable and articulable suspicion when he stopped Defendant Schwarzkopf.

Having determined that the initial stop was supported by reasonable articulable suspicion, and was therefore valid under the Fourth Amendment, the Court will now turn to Defendant's challenges based on the Full Faith and Credit and Commerce Clauses. As the Tenth Circuit

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<sup>23</sup>*Id.*

<sup>24</sup>*Id.* at ¶ 15.

<sup>25</sup>*Id.* at ¶ 16.

stated in *Ramirez*:

[t]he Full Faith and Credit Clause ‘is exacting’ with respect to ‘[a] final judgement . . . rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment. On the other hand, the Full Faith and Credit Clause does not compel ‘a state to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is a competent legislature. Here, the State of Utah is competent to pass legislation dealing with the window tinting of vehicles operated within Utah. Utah is not required by the Full Faith and Credit Clause to apply the window tinting statute of Colorado in lieu of its own statute.’<sup>26</sup>

Based on the law as laid out by the Tenth Circuit, the Court does not find a violation of the Full Faith and Credit Clause. Although the Court finds the challenge under the Commerce Clause might have more teeth, it declines to reach the issue because even if the statute was found to be unconstitutional, the “good faith exception” to the exclusionary rule would apply.<sup>27</sup>

Defendant argues that the good faith exception is not applicable and cites *Leon*.

However, the Court in *Illinois v. Krull*, extended the ruling in *Leon*, so that under the “‘good faith exception,’ the exclusionary rule does not apply to evidence obtained by police officers who act in reasonable reliance on validly enacted statutes.”<sup>28</sup> Therefore, the Court finds the good faith exception to be applicable to this case because Trooper Bauer was relying in good faith on a validly enacted statute.

#### **IV. Conclusion**

Based on the above and after *de novo* review the Court adopts Magistrate Judge

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<sup>26</sup>*Ramirez*, 86 Fed. App’x. at 386.

<sup>27</sup>*Id.* at n.1.

<sup>28</sup>*Id.* (citing *Krull*, 480 U.S. (1987); *Vanness*, 342 F.3d 1093 (10th Cir. 2003)).

Braithwaite's Report and Recommendation (Docket No. 60). It is therefore

ORDERED that Defendant's Objection to the Magistrate's Report and Recommendation (Docket No. 61) is DENIED. It is further

ORDERED that Defendant's Motion to Suppress (Docket No. 30) is DENIED. It is further

ORDERED that Speedy Trial Time is waived from the time of filing of the Motion to Suppress to the date of this ORDER under 18 U.S.C. § 3161(h). It is further

ORDERED that the parties set a status conference in front of Magistrate Judge Braithwaite to set a trial date.

DATED May 19, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART  
United States District Judge

RECEIVED CLERK

MAY 18 2010

FILED  
U.S. DISTRICT COURT

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
AUSTIN F. ALLISON,  
Defendant.

ORDER GRANTING LEAVE TO DISMISS  
MISDEMEANOR INFORMATION  
Case No. 2:10<sup>09</sup>-CR-658  
Simple Possession of a  
Controlled Substance  
(21 U.S.C. § 844)  
Magistrate Judge Robert T.  
Braithwaite

Based upon the Motion of the United States of America, and for good cause appearing, the Court hereby grants the Government leave to dismiss the above-captioned Misdemeanor Information, without prejudice, under Rule 48(a) of the Federal Rules of Criminal Procedure.

DATED this 19<sup>th</sup> day of May, 2010.

BY THE COURT:

  
United States Magistrate Judge

UNITED STATES DISTRICT COURT

CENTRAL

District of

UTAH

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Eugene Stanford Crank

Case Number:

DUTX 2:09CR00663-001 DAK

USM Number:

16510-081

Viviana Ramirez

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1153 & 2243	Sexual Abuse of a Minor in Indian Country		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

05/06/2010

Date of Imposition of Judgment

Signature of Judge

Dale A. Kimball

United States District Court Judge

Name and Title of Judge

Date

May 18, 2010

DEFENDANT: Eugene Stanford Crank  
CASE NUMBER: 2:09CR00663-001 DAK

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

## TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ , with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Eugene Stanford Crank  
CASE NUMBER: 2:09CR00663-001 DAK

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

#### **60 Months**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☒ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.



DEFENDANT: Eugene Stanford Crank  
CASE NUMBER: 2:09CR00663-001 DAK

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The Court orders the presentence report may be released to the state sex-offender registration agency if required for purposes of sex-offender registration.
2. The defendant shall participate in a sex-offender treatment program as directed by the USPO.
3. The defendant is restricted from contact with individuals who are under 18 years of age except as approved by the probation office .
4. The defendant shall abide by the following occupational restrictions: Any employment shall be approved by the probation office. In addition, if third-party risks are identified, the probation office is authorized to inform the defendant's employer of his supervision status.
5. The defendant shall not view, access or possess sexually explicit materials in any format.
6. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
7. The defendant shall participate in the United States Probation and Pretrial Services Office Computer and Internet Monitoring Program under a copayment plan, and will comply with the provisions outlined in : Appendix A, Limited Internet Access (Computer and Internet use, as approved). Furthermore: all computers, internet accessible devises, media storage devises, and digital media accessible to the defendant are subject to manual inspection/search, configured, and the installation of monitoring software and/or hardware.
8. The defendant will submit to drug/alcohol testing under a copayment plan as directed by the USPO.

DEFENDANT: Eugene Stanford Crank  
CASE NUMBER: 2:09CR00663-001 DAK

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

<b>TOTALS</b>	\$ _____ 0	\$ _____ 0
---------------	------------	------------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Eugene Stanford Crank  
CASE NUMBER: 2:09CR00663-001 DAK

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7-10  
are the  
Statement of Reasons  
which will be docketed  
separately as a sealed  
document

United States District Court  
District of Utah

MAY 19 2010

BY D. MARK JONES, CLERK  
DEPUTY CLERK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

vs.

Devin W. Cartwright

Case Number: 2:09-cr-00771-RTB

Plaintiff Attorney: Paul Kohler

Defendant Attorney:

Date of Imposition: May 17, 2010

THE DEFENDANT:

☐

☒ pleaded guilty to count(s)

Count I

☐

pleaded nolo contendere to count(s)  
which was accepted by the court.

☐

was found guilty on count(s)

Title & Section

21 USC 844

Nature of Offense

Possession of a controlled substance

Count

Number(s)

I

☐

The defendant has been found not guilty on count(s) count

☐

Count(s) (is)(are) dismissed on the motion of the United States.

SENTENCE

On October 19, 2009, the court entered an order of Probation under 18 U.S.C. 3607, and the defendant signed a consent should he "violate any conditions of probation, the court may enter a judgment of conviction."

On May 17, 2010, the defendant admitted violating the terms of probation. Therefore, an order of conviction is entered in this case.

The defendant is placed on Probation for a term of 12 months as of 10-19-09

The defendant shall not commit another federal, state or local crime.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter.

☐ The above drug testing condition is suspended based on the court's determination that the defendant

Defendant: Devin W. Cartright  
Case Number: 2:09-cr-00771-RTB

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release/probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties section of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions in this judgment.

### **STANDARD CONDITIONS OF SUPERVISED RELEASE/PROBATION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE / PROBATION**

In addition to all Standard Conditions of Supervised Release or Probation set forth above, the following Special Conditions are imposed:

Defendant: Devin W. Cartright  
Case Number: 2:09-cr-00771-RTB

2. The Defendant shall submit to drug/alcohol testing, as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If deemed appropriate by the Court and the probation office, the defendant will pay additional costs associated with confirmation and testing of positive results reported to the Court.

### CRIMINAL MONETARY PENALTIES

#### FINE

The defendant shall pay a fine in the amount of \$ 1000.00 , payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
as directed by the probation department

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:
- 

#### RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☐ Restitution is payable as follows:
- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
- ☐

Defendant: Devin W. Cartright  
Case Number: 2:09-cr-00771-RTB

- ☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5) (not to exceed 90 days after sentencing).
- ☐ An Amended Judgment in a Criminal Case will be entered after such determination

### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 25.00, payable as follows:

☐ forthwith.

☒ as directed by the probation department

### PRESENTENCE REPORT / OBJECTIONS

- ☐ The court adopts the factual findings and guideline application in the presentence report.
- ☐ The court adopts the factual findings and guideline application in the presentence report, except as set forth below:

#### Guideline Range Determined by the Court:

Total Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Imprisonment Range: \_\_\_\_\_ to \_\_\_\_\_ months

Supervised Release Range: \_\_\_\_\_ to \_\_\_\_\_ years

Fine Range: \_\_\_\_\_ to \_\_\_\_\_


### RECOMMENDATION

- ☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:
- \_\_\_\_\_

### CUSTODY/SURRENDER

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the Washington County Correctional Facility at Purgatory at \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The defendant shall report to the \_\_\_\_\_ institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE: 5-19-10

  
Robert T. Braithwaite

United States Magistrate Judge



**Report and Order Terminating Probation  
Prior to Original Expiration Date**

**UNITED STATES DISTRICT COURT**

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

**for the**

**DISTRICT OF UTAH**

**MAY 10 2010**

BY **D. MARK JONES** CLERK  
DEPUTY CLERK

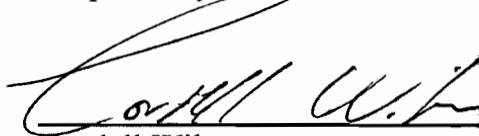
UNITED STATES OF AMERICA

v. Criminal No. 2:09-CR-00814-001 RTB

DAVID EASTON

On October 26, 2009, the above named was placed on Probation for a period of one year. The defendant has complied with the rules and regulations of Probation and is no longer in need of supervision. It is accordingly recommended that the defendant be discharged from supervision.

Respectfully submitted,

  
Cordell Wilson  
United States Probation Officer

Pursuant to the above report, it is ordered that the defendant be discharged from supervision and that the proceedings in the case be terminated.

Dated this 10 day of May, 2010.

  
Honorable Robert T. Braithwaite

FILED  
U.S. DISTRICT COURT

2010 MAY 19 A 10:40

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

SCOTT D. CHENEY (6198)  
Assistant Utah Attorney General  
MARK L. SHURTLEFF (4666)  
Utah Attorney General  
Attorneys for Defendants  
160 East 300 South, Sixth Floor  
P.O. Box 140856  
Salt Lake City, Utah 84114-0856  
Telephone: (801) 366-0100  
Facsimile: (801) 366-0150

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IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF UTAH CENTRAL DIVISION

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JEFF GRUNWALD,

Plaintiff,

v.

TOM PATTERSON, et al.,

Defendants.

**ORDER TO EXTEND TIME TO  
RESPOND TO PLAINTIFF'S  
AMENDED COMPLAINT**

Case No. 2:09-CV-261

Judge Tena Campbell

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Based on Defendants' Motion to Extend Time to Respond to Plaintiff's Amended Civil Rights Complaint (doc. 22), the Clerk of the Court hereby enters the following order:

Pursuant to DUCiv.R. 77-2 (a)(2), Defendant's motion is GRANTED. Defendants shall file an answer or other response to Plaintiff's Amended Complaint on or before June 8, 2010.

DATED this 18 day of May, 2010.

BY THE COURT:

Jena Campbell  
Chief Judge  
U.S. District Court

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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

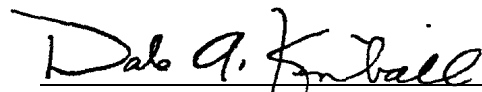
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VICTOR TAYLOR,	)	
	)	Case No. 2:09CV 00391-DAK
Plaintiff,	)	
	)	
v.	)	
	)	ORDER
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	Honorable Dale A. Kimball
Defendant.	)	

---

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Michael A. Thomas in the United States District Court, District of Utah in the subject case is GRANTED.

DATED this 19<sup>th</sup> day of May, 2010.

  
Honorable Dale A. Kimball  
United States District Court

DAVID M. BENNION (5664)  
SCOTT S. BELL (10184)  
PARSONS BEHLE & LATIMER  
One Utah Center  
201 South Main Street, Suite 1800  
Salt Lake City, UT 84111  
Telephone: (801) 532-1234  
Facsimile: (801) 536-6111

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 19 2010

BY D. MARK JONES, CLERK  
DEPUTY CLERK

ERIC J. AMDURSKY  
PETE SNOW  
O'MELVENY & MYERS LLP  
2765 Sand Hill Road  
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Telephone (650) 473-2600  
Facsimile: (650) 473-2601

*Attorneys for Plaintiff Fusion Multisystems, Inc., d/b/a Fusion-io*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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FUSION MULTISYSTEMS, INC. d/b/a/  
FUSION-IO,

Plaintiff,

vs.

DONALD G. BASILE,

Defendants.

~~PROPOSED~~ ORDER GRANTING  
DISMISSAL WITH PREJUDICE

Case No. 2:09-CV-00426

Judge Stewart

---

Upon stipulation of the parties and for good cause shown, the Court HEREBY ORDERS  
as follows:

- A. The above-captioned action is hereby dismissed with prejudice;

B. The Interim Stipulated Order, entered on May 18, 2009 (Dkt. No. 9) and further continued from time to time (Dkt. No. 93), as well as any injunction pertaining thereto, is hereby dissolved, void, and will have no continuing force or effect on the parties;

C. The hard drive and any images thereof lodged with this Court shall be delivered to Ray Quinney & Nebeker which will deliver the hard drive to Gibson, Dunn & Crutcher LLP (attention to Ashlie Beringer) for destruction; and

D. Each party will bear its own costs and attorneys fees.

DATED this 18<sup>th</sup> day of May, 2010.

BY THE COURT:

  
The Honorable Ted Stewart

APPROVED AS TO FORM:

PARR BROWN GEE & LOVELESS

/s/ D. Craig Parry

D. Craig Parry

(signed by filing attorney with permission of Defendant's attorney)

*Attorneys for Defendant*

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 19 2010

BY D. MARK JONES, CLERK  
DEPUTY CLERK

Ronald C. Barker, #0208  
BARKER LAW OFFICE, LLC  
Attorney for Petitioner  
2870 South State Street  
Salt Lake City, Utah 84115-3692

Telephone: (801) 486-9636  
Fax: (801) 486-5754  
Email: rcb@barkerlawoffice.com

**UNITED STATES DISTRICT COURT**  
**for the**  
**Central Division District of Utah**

---0000000---

BRADLEY HARPER, M DEAN MGMT, LLC,  
FOXFIRE PLAZA, LLC and  
FOXFIRE DEVELOPMENT, LLC,

*Plaintiffs.*

vs

CITY OF MOAB, A Utah Municipal  
corporation, MOAB CITY COUNCIL,  
JEFFREY A. DAVIS, GREGG W. STUCKI,  
ROY SWEETEN, DONNA METZLER,  
DAVID L. SAKRISON and  
SOMMAR JOHNSON,

*Defendants.*

**ORDER DISMISSING  
WITH PREJUDICE**

Civil Action No. 2:09-cv-551

Judge: Dee Benson

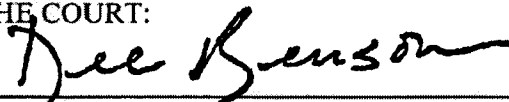
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The parties having stipulated that the above-entitled case may be dismissed with prejudice,  
each party to bear their own costs and attorney fees, good cause appearing, it is hereby

**ORDERED**, that the above-entitled case is hereby dismissed with prejudice, each party to bear their own costs and attorney fees.

Dated May 18, 2010

BY THE COURT:



Dee Benson  
United States District Judge

THE FOREGOING PROPOSED ORDER IS HEREBY APPROVED:

Signed April 29, 2010

BARKER LAW OFFICE, LLC

By: s/s  
Ronald C. Barker  
Attorneys for Plaintiffs

Signed May 17, 2010

KIRTON & McCONKIE  
Attorneys for Defendants

By: s/s  
Benson L. Hathaway, Jr.  
Jackie Pilling

(Original signature approval on file)



FILED  
U.S. DISTRICT COURT

2010 MAY 19 A 10:24

DISTRICT CLERK

BY: DEPUTY CLERK

Ruth A. Shapiro, 9356  
CHRISTENSEN & JENSEN, P.C.  
Attorneys for Defendant U.S. Greenfiber, LLC  
15 West South Temple, Suite 800  
Salt Lake City, Utah 84101  
Telephone: (801) 323-5000

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

ROBERT G. FREEMAN,

Plaintiff,

vs.

U.S. GREENFIBER, LLC.

Defendant.

Civil No. 2:09 cv 00583 CW

**ORDER REGARDING STIPULATED  
MOTION FOR PROTECTIVE ORDER**

Based upon the stipulation of the parties, and for good cause appearing therein, the Court hereby grants the parties' Stipulated Motion for Protective Order.

DATED this 18<sup>th</sup> day of May, 2010.

BY THE COURT:



Honorable Clark Waddoups  
U.S. District Court Judge

Approved as to Form:

/s/ David J. Holdsworth

David J. Holdsworth

*Attorneys for Plaintiff*

/s/ Ruth A. Shapiro

Ruth A. Shapiro

CHRISTENSEN & JENSEN, P.C.

*Attorneys for Defendant*

---

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

---

LUTRON ELECTONICS CO., INC.,

Plaintiff,

vs.

CRESTRON ELECTRONICS, INC., et al.,

Defendants.

Case No. 2:09 cv 707 DB

**ORDER DENYING MOTION TO  
BIFURCATE TRIAL AND DISCOVERY  
ON LIABILITY AND DAMAGES**

Judge Dee Benson

Magistrate Judge Brooke C. Wells

---

Defendants, Crestron Electronics, Inc., Lifestyle Electronics, Lava Corp. and AudioVision Systems, ask this Court to bifurcate trial and discovery on the issues of liability and damages pursuant to [Fed. R. Civ. P. 42\(b\)](#).<sup>1</sup> Defendants further seek a stay of discovery on damages until after the questions of liability are resolved. The moving Defendants allege that bifurcation is appropriate in this case. The Court disagrees and DENIES Defendants' motion.<sup>2</sup>

Federal Rule 42(b) provides that "For convenience, to avoid prejudice, or to expedite and economize, the court may order a separate trial of one or more separate issues, claims, crossclaims, counterclaims, or third-party claims."<sup>3</sup> A trial court has considerable discretion in

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<sup>1</sup> Docket no. 35; [Fed. R. Civ. P. 42\(b\)](#).

<sup>2</sup> After carefully reviewing the written memoranda submitted by the parties, the Court has concluded that oral argument is unnecessary and decides the motion on the basis of the written memoranda. *See* DUCivR 7-1(f) (2009).

<sup>3</sup> [Fed. R. Civ. P. 42\(b\) \(2009\)](#).

deciding whether or not to bifurcate.<sup>4</sup> As noted by Defendants, Rule 42(b) has been used to bifurcate liability and damages in patent cases.<sup>5</sup> But, “[t]he potential complexity of the issues in patent litigation, and the proof of liability, are not peculiar to that field of law . . . .”<sup>6</sup> And, it is not uncommon in patent infringement cases to try all issues in a single trial.<sup>7</sup> Thus, “Bifurcation in patent cases, as in others, is the exception, not the rule.”<sup>8</sup> Finally, the moving party bears the burden of establishing that bifurcation is warranted.

Generally, in deciding whether bifurcation is appropriate a court looks to “judicial efficiency, judicial resources, and the likelihood that a single proceeding will unduly prejudice either party or confuse the jury.”<sup>9</sup>

Here Defendants contend that this case is complex and “[t]rying liability and damages as part of a single trial in a complex patent case such as this one would overwhelm a jury.”<sup>10</sup> According to Defendants, Lutron is asserting five patents with over two hundred claims that deal with difficult electrical engineering concepts. By resolving liability in this case before damages, Defendants assert, that this case will be resolved more expeditiously with less strain on the parties and the Court. This will also help the parties and reduce the possibility of prejudice to the

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<sup>4</sup> See [Angelo v. Armstrong World Industries, Inc.](#), 11 F.3d 957, 965 (10th Cir. 1993).

<sup>5</sup> See, e.g., *T.J. Smith & Nephew Ltd. v. Deseret Medical*, 1985 U.S. Dist. LEXIS 12785 (D.Utah 1985).

<sup>6</sup> *T.J. Smith & Nephew Ltd. v. Deseret Medical*, 1985 U.S. Dist. LEXIS 12785 at \*3.

<sup>7</sup> See, e.g., [Gaus v. Conair Corp.](#), 2000 WL 1277365 \*3 (S.D.N.Y. 2000); [Caterpillar, Inc. v. Deere & Co.](#), 1997 WL 17798 at \*1 (N.D.Ill. 1997); [Home Elevators, Inc. v. Millar Elevator Serv. Co.](#), 933 F.Supp. 1090, 1091-92 (N.D.Ga. 1996).

<sup>8</sup> [WeddingChannel.com Inc. v. The Knot Inc.](#), 2004 WL 2984305 at \*1 (S.D.N.Y. 2004) (quoting [Real v. Bunn-O-Matic Corp.](#), 195 F.R.D. 618, 620 (N.D.Ill. 2000)).

<sup>9</sup> *Phillip M. Adams & Assoc., L.L.C. v. Sony Elecs., Inc.*, 2010 WL 149855 at \*1 (D.Utah 2010) (quoting [York v. Am. Tel. & Tel. Co.](#), 95 F.3d 948, 958 (10th Cir. 1996)).

<sup>10</sup> Mem. in supp. p. 2.

Defendants.

Lutron opposes bifurcation. Lutron argues that the issues of willfulness and damages overlap with issues of liability, so bifurcation will only serve to waste judicial resources and cause prejudice to Lutron. Courts routinely reject bifurcation where there are overlapping issues such as those in this case.<sup>11</sup> Additionally, Defendants have failed to demonstrate that this case is an exceptional case that warrants bifurcation. And finally, any “Quantum dilemma” Defendant Crestron may face between disclosing or not disclosing its opinions of counsel does not justify bifurcation. The Federal Circuit has resolved this so called dilemma in *Knorr-Bremse Systeme Fuer Nutzfahrzeuge v. Dana Corp.*<sup>12</sup> by holding that there is no longer an adverse inference from an alleged infringer’s failure to obtain an opinion of counsel.

As noted by another court, “It is precisely because the issues of willfulness, liability and damages generally overlap that bifurcation remains the exception in patent cases, rather than the rule.”<sup>13</sup> Here, the Court finds there are overlapping issues that are not clearly separable and that there is significant overlap in evidence. The Court further finds that convenience and economy will be served by a single trial. A single trial usually lessens the delay, expense, and inconvenience to all parties.<sup>14</sup> Such is the case here.

Finally, the Court finds Defendants will not be prejudiced by a single trial. It is not

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<sup>11</sup> See, e.g., [Real 195 F.R.D. at 624](#) (holding bifurcation was not warranted due in part to overlapping issues that would require evidence to be presented to two separate juries in two trials); *DSM Desotech, Inc. v. 3D systems Corp.*, 2008 WL 4812440 (N.D.Ill. 2008).

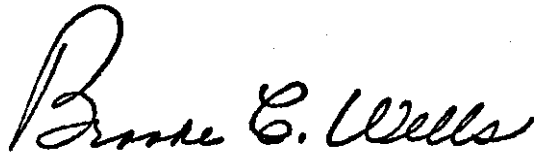
<sup>12</sup> 383 F.3d 1337 (Fed. Cir. 2004).

<sup>13</sup> *DSM Desotech, Inc.* 2008 WL 4812440 at \*6.

<sup>14</sup> See 5 *Moore’s Federal Practice* § 42.03[1] at 42-37 to 42-38 (2d ed. 1982).

unusual for a multi-defendant civil case to contain complex issues where evidence may only apply to some parties. Limiting instructions pertaining to evidence that may relate to damage calculations are available if appropriate. It is therefore ORDERED that Defendants' motion to bifurcate trial and discovery on liability and damages is DENIED.

DATED this 19th day of May, 2010.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first letter "B" is large and loops around. The "C" is small and sits between the "B" and the "W". The "W" is also large and loops. The signature is positioned above a horizontal line.

Brooke C. Wells  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

---

SKYLER NIELSEN,  
Plaintiff

v.

STRYKER CORPORATION and  
STRYKER SALES CORPORATION,  
Defendant

:  
:  
: ORDER FOR PRO HAC VICE  
: ADMISSION  
:  
:  
: Case: 2:09-cv-01061  
:  
: Judge Ted Stewart  
:

---

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Kevin R. Costello in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 18th day of May, 2010.

  
\_\_\_\_\_  
TED STEWART  
U. S. District Judge

**Report and Order Terminating Probation  
Prior to Original Expiration Date**

**UNITED STATES DISTRICT COURT**

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

**for the**

**MAY 10 2010**

**DISTRICT OF UTAH**

**D. MARK JONES, CLERK**  
BY  **DEPUTY CLERK**

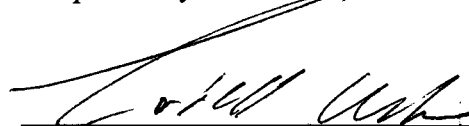
UNITED STATES OF AMERICA

v. Criminal No. 2:09-PO-00538-001 RTB

DEREK HASSLER

On August 18, 2009, the above named was placed on Probation for a period of one year. The defendant has complied with the rules and regulations of Probation and is no longer in need of supervision. It is accordingly recommended that the defendant be discharged from supervision.

Respectfully submitted,

  
Cordell Wilson  
United States Probation Officer

Pursuant to the above report, it is ordered that the defendant be discharged from supervision and that the proceedings in the case be terminated.

Dated this 10 day of May, 2010.

  
Honorable Robert T. Braithwaite



---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARIO NAVARRO-ALVAREZ

Defendant.

:  
:  
:  
:  
:  
:  
:

ORDER TO CONTINUE FOR  
CHANGE OF PLEA

Case No. 2:10CR 67TS  
Hon. Ted Stewart

---

This matter was set for a change of plea on **April 8, 2010**. Mr. Navarro-Alvarez is represented by Benjamin McMurray and the United States is represented by Karin Fojtik.

IT IS FURTHER ORDERED: because of the defendant's request for new counsel, and based on the motion to continue filed in this matter, the time between **April 8, 2010** and the change of plea date of **June 21, 2010 at 2:30**, is excluded from the calculation under the Speedy Trial Act in order to grant defense counsel and the government sufficient time to prepare for the change of plea and based on

the reasons articulated in the motion filed in this matter. The Court finds that such a continuance is required for effective preparation for trial taking into account the exercise of due diligence and the need for additional time to allow Mr. McMurray to prepare his client to change his plea. The Court further finds that this additional time outweighs the best interest of the public and the defendant in a speedy trial and allows for consideration of the pending change of plea. This order is granted pursuant to 18 U.S.C. § 3161(h)(7)(A) & 18 U.S.C. § 3161(h)(1)(G).

DATED this 19th day of May, 2010.

BY THE COURT:



---

HON. TED STEWART  
U.S. DISTRICT COURT JUDGE

Aric Cramer (#5460)  
CRAMER LATHAM, LLC  
150 North 200 East Suite 101  
St. George, Utah 84770  
Telephone (435) 627-1565  
Facsimile (435) 628-9876

Attorney for Defendant

---

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

---

UNITED STATES OF AMERICA,

Plaintiff,

vs

RUFINO ALVAREZ,

Defendant.

**ORDER TO CONTINUE  
JURY TRIAL**

CASE NUMBER 2:10-CR-00100

Judge. Ted Stewart

---

Based on the Motion to Continue the Jury Trial filed by defendant, Rufino Alvarez, in the above entitled case, and good cause appearing, the Court makes the following findings:

1. Defendant is not a citizen of the United States but is also not here illegally. His legal statutes is currently unknown by either counsel for the government or counsel for defense.
2. Counsel for defense has not practices in the immigration area and needs more time to adequately and accurately present the specific ramifications a conviction or plea would have on Defendant's immigration status.
3. Although Defense counsel is in the process of securing an immigration expert to assist in addressing issues to adequately prepare this case for either trial or settlement, he has been unable to


do so at this time.

Based on the foregoing findings, and good cause appearing, it is hereby

ORDERED the 2-day jury trial scheduled to begin July 7, 2010 is continued until November 8, 2010 at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the Defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date set forth above is excluded from speedy trial computation for good cause.

Dated this 19th day of May, 2010.

**BY THE COURT:**



---

Judge Ted Stewart  
United States District Court Judge

# UNITED STATES DISTRICT COURT

District of Utah

2010 MAY 18 P 5:20

UNITED STATES OF AMERICA

v.

Jose Omar Zuniga-Cruz

DEPUTY CLERK

## JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:10-CR-00135-001 DAK

USM Number: 16849-081

Benjamin McMurray

Defendant's Attorney

### THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment.

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien	1/10/2010	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/17/2010

Date of Imposition of Judgment

Dale A. Kimball

Signature of Judge

Dale A. Kimball

Name of Judge

U.S. District Judge

Title of Judge

May 18, 2010

Date

DEFENDANT: Jose Omar Zuniga-Cruz  
CASE NUMBER: DUTX2:10-CR-00135-001 DAK

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Time served.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jose Omar Zuniga-Cruz  
CASE NUMBER: DUTX2:10-CR-00135-001 DAK

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
12 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Jose Omar Zuniga-Cruz

CASE NUMBER: DUTX2:10-CR-00135-001 DAK

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the U.S. Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the U.S. Probation Office in the District of Utah within 72 hours of arrival in the United States.



## CRIMINAL MONETARY PENALTIES

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Jose Omar Zuniga-Cruz  
CASE NUMBER: DUTX2:10-CR-00135-001 DAK

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

BEL-AMI DE MONTREUX, # 6207  
ATTORNEY AT LAW  
MONTREUX FRÈRES, P.C.  
370 EAST SOUTH TEMPLE, SUITE 580  
SALT LAKE CITY, UTAH 84111  
TELEPHONE (801) 359-6844

ATTORNEY FOR DEFENDANT

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 19 2010

BY D. MARK JONES, CLERK  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,	:	
	:	ORDER ON MOTION TO
PLAINTIFF,	:	CONTINUE TRIAL
	:	
VS.	:	CASE NO. 2:10-CR-157 TS
	:	
RAUL ALVARADO,	:	JUDGE TED STEWART
	:	
DEFENDANT.	:	(NOT IN CUSTODY)

---

On Motion of Defendant, and good cause appearing,


IT IS HEREBY ORDERED that the May 17, 2010, trial in the above-captioned matter shall be and is hereby VACATED and is reset for August 24, 2010, at 8:30 AM/PM.

The intervening time between May 17, 2010, and the new trial date of August 24, 2010, shall be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161 (h)(8)(A), & (h)(8)(B)(i), (ii)("[a]ny period of delay resulting from a continuance granted... at the request of a defendant or his counsel ..."), based, *inter alia*, on the court's finding that the ends of justice served by granting the continuance outweigh the best interest of the public and the

defendant in a speedy trial, the additional time is necessary for preparation.

Dated this 18<sup>th</sup> day of May 2010.

BY THE COURT:

  
\_\_\_\_\_  
TED STEWART  
U.S. District Judge

David B. Shapiro (#6438)  
Attorney for Defendant  
5242 College Drive, Suite 190  
Salt Lake City, UT 84123  
Telephone: (801) 266-6878  
Facsimile: (801) 266-6879

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH  
MAY 19 2010  
BY D. MARK JONES, CLERK  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,	:	ORDER TO CONTINUE
	:	FINDINGS OF FACT
Plaintiff,	:	EN RE "SPEEDY TRIAL ACT"
	:	AND THE ENDS OF JUSTICE.
vs.	:	
	:	Case No. 2:10-cr-00177-DB
FORDELL HILL,	:	HONORABLE DEE BENSON
	:	
Defendant.	:	

---

Based upon defendant's motion and stipulation by the Government through  
Trina A. Higgins, Assistant United States Attorney, the court finds that:

1. The ends of justice are outweighed by the best interests of the public and the defendant in a speedy trial under 18 U.S.C. § 3161 (h)(7).
2. The time from the present trial date of May 24, 2010 and the new trial date of 26 day of July, month, 2010 year at the hour of 8:30 a.m. are specifically excluded from consideration from calculation under the Speedy Trial Act, 18 U.S.C. § 3161.

So Ordered this 18 day of May, 2010.



---

Judge Dee Benson  
United States District Court

UNITED STATES DISTRICT COURT

District of Utah

UNITED STATES OF AMERICA

v.

Jacob Valle-Hernandez

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX2:10-CR-00182-001 DAK

USM Number: 16885-081

Carlos Garcia

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment.

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien	12/8/2009	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/17/2010

Date of Imposition of Judgment

Signature of Judge

Dale A. Kimball

Name of Judge

U.S. District Judge

Title of Judge

Date

May 18, 2010

DEFENDANT: Jacob Valle-Hernandez  
CASE NUMBER: DUTX2:10-CR-00182-001 DAK

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

24 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

That the defendant be placed in FCI Phoenix, Arizona.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL



DEFENDANT: Jacob Valle-Hernandez  
CASE NUMBER: DUTX2:10-CR-00182-001 DAK

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Jacob Valle-Hernandez

CASE NUMBER: DUTX2:10-CR-00182-001 DAK

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the U.S. Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the U.S. Probation Office in the District of Utah within 72 hours of arrival in the United States.

DEFENDANT: Jacob Valle-Hernandez

CASE NUMBER: DUTX2:10-CR-00182-001 DAK

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	0.00	\$ _____	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Jacob Valle-Hernandez  
CASE NUMBER: DUTX2:10-CR-00182-001 DAK

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

FILED  
U.S. DISTRICT COURT  
2010 MAY 18 A 11:24  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA, :

Case No.: 2:10-cr-286 TS

Plaintiff, :

vs. :

MICHAEL WAYNE EDWARDS, :

ORDER AUTHORIZING DISCOVERY  
DISCLOSURES

Defendant.

Judge Stewart  
Magistrate Judge Nuffer

---

The Court, having considered the motion of the United States for disclosure of grand jury information, Jencks Act material, and tax information, as stated in paragraph 8 of its Statement of Discovery Protocol filed in the above-entitled case, and good cause appearing,

**IT IS ORDERED** that the United States may provide as part of discovery, where applicable, grand jury material; Jencks Act material; and discoverable returns, return information, and taxpayer return information as defined in 26 U.S.C. § 6103(b) to the defendant and his counsel in the above-captioned action.

DATED this 18<sup>th</sup> day of May, 2010.

BY THE COURT:

  
Magistrate Judge David Nuffer  
United States Magistrate Judge

Ted Stewart

# United States District Court

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

CENTRAL DISTRICT OF UTAH

MAY 19 2010

UNITED STATES OF AMERICA

ORDER SETTING  
By: S. MARK JONES, CLERK

V.

CONDITIONS OF RELEASE

ANTHONY EDWARD RUIZ

Case Number: 2:10-CR-365 DAK

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

## Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ( ) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$ )

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

### Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:  
(Name of person or organization)  
(Address)  
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_

Custodian or Proxy

☒ (7) The defendant shall:

- ☒ (a) maintain or actively seek employment.
- ☒ (b) maintain or commence an educational program.
- ☒ (c) abide by the following restrictions on his personal associations, place of abode, or travel:  
**Maintain residence and do not move without prior permission from Pretrial Services. No travel outside the state of Utah without prior permission of Pretrial Services.**
- ☐ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
- ☒ (e) report on a regular basis to the supervising officer as directed.
- ☐ (f) comply with the following curfew:
- ☒ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ☐ (h) refrain from excessive use of alcohol.
- ☐ (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
- ☐ (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
- ☐ (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
- ☐ (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
- ☐ (m) execute a bail bond with solvent sureties in the amount of \$
- ☐ (n) **No use or possession of any device which allows internet access; this includes, but is not limited to: PDA's, electronic game systems, Web TV solutions, Internet applications, and cellular/digital telephones**
- ☐ (o) surrender any passport to
- ☒ (p) obtain no passport
- ☐ (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
- ☐ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
- ☐ (s) submit to an electronic monitoring program as directed by the supervising officer.
- ☒ (t) **No unsupervised contact with minors; any supervised contact must be pre-approved by Pretrial Services. No access to computers, computer networks or other forms of wireless communication; including through 3<sup>rd</sup> parties. No possession of pornography or sexually explicit material.**

**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

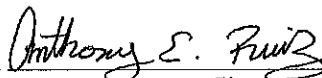
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

**Directions to the United States Marshal**

- (X) The defendant is ORDERED released after processing.  
( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 5/19/10

Signature of Judicial Officer

**Magistrate Judge Samuel Alba**

Name and Title of Judicial Officer



FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

MAY 19 2010

BY D. MARK JONES, CLERK  
DEPUTY CLERK

Richard F. Ensor (10877)  
Robert P.K. Mooney (10789)  
VANTUS LAW GROUP, P.C.  
3165 East Millrock Drive, Suite 160  
Salt Lake City, Utah 84121  
Telephone: (801) 833-0500  
Facsimile: (801) 931-2500

Attorneys for Plaintiff TFG-North Carolina, L.P.

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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TFG-NORTH CAROLINA, L.P., a Utah  
limited partnership,

Plaintiff,

v.

THE GOOD LIFE-LAND, LLC, a North  
Carolina limited liability company,  
OUTSTANDING ENTERPRISES, LLC, a  
North Carolina limited liability company,  
EDWIN W. BICE, III, an individual, and  
NICHOLE E. BICE, an individual,

Defendants.

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFF'S EX PARTE MOTION FOR  
EXTENSION TO SERVE DEFENDANTS  
WITH PROCESS**

Case No. 2:10-cv-36

Judge Dee Benson

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Currently before the Court is the Plaintiff's Ex Parte Motion For Extension To Serve Defendants with Process seeking a one-month extension of time to serve Plaintiff's Complaint on Defendants, pursuant to Rules 6(b)(1) and 4(m), Federal Rules of Civil Procedure. For good cause shown, IT IS HEREBY ORDERED that said Motion is GRANTED. Plaintiffs shall serve the Complaint on Defendants no later than June 16, 2010.

DATED this 19<sup>th</sup> day of May 2010.

*Dee Benson*

---

Judge Dee Benson

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

2010 MAY 18 P 5:12

BEACON TOWER DEVELOPMENT,  
LLC,

Plaintiff,

vs.

GREAT BASIN TECHNOLOGIES, LLC,  
et al.,

Defendants.

Civil No. 2:10-CV-0099J

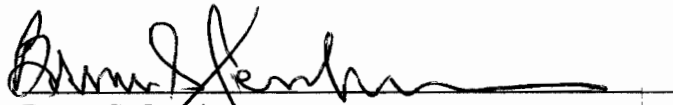
**ORDER**

Based on the Stipulated Motion to File Amended and Corrected Complaint filed  
by the parties on April 20, 2010,

IT IS HEREBY ORDERED that the Stipulated Motion to File Amended and Corrected  
Complaint is GRANTED.

DATED this 18 day of May, 2010.

BY THE COURT:



Bruce S. Jenkins  
United States Senior District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FILED  
U.S. DISTRICT COURT  
200 MAY 18 P 5 12

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In re	)	
	)	
ROGER BRYNER,	)	Civil No. 2:10-CV-0129 BSJ
	)	
Debtor,	)	<b>ORDER</b>
	)	
	)	
ROGER SCOTT BRYNER,	)	
	)	
Appellant,	)	
	)	
vs.	)	
	)	
SVETLANA BRYNER,	)	
	)	
Appellee.	)	

---

Roger Bryner removed a pending state court domestic matter to the Bankruptcy Court in an effort to have determined by the Bankruptcy Court that an obligation to make periodic payments to school costs or to a college fund in lieu of child support was dischargeable.

The Bankruptcy Court remanded the same and wrote concerning the matter.

The Petitioner Bryner filed a Notice of Appeal to this court from the order of remand.

The matter was argued on April 8, 2010, and the parties each appeared *pro se*.

Since then the same issue was raised in a matter heard by the Bankruptcy Court on April 19, 2010.

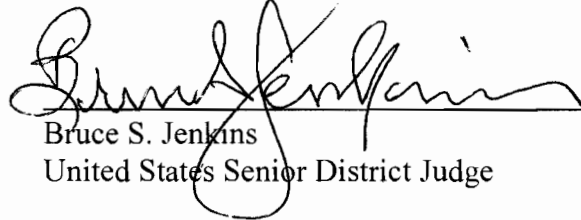
It appearing that the matter before this court concerning the non-dischargeability

of a domestic support obligation has been resolved by an order of the Bankruptcy Court made and entered on the 28<sup>th</sup> day of April, 2010, rendering the pending appellate matter moot.

The appeal is **DISMISSED**.

**SO ORDERED** this <sup>16</sup>~~18~~ day of May, 2010.

BY THE COURT:




Bruce S. Jenkins  
United States Senior District Judge

**Mark A. Miller, 9563**  
mamiller@hollandhart.com  
**Bryan G. Pratt, 9924**  
bgpratt@hollandhart.com  
**Brett L. Foster, 6089**  
bfoster@hollandhart.com  
HOLLAND & HART LLP  
222 South Main, Suite 2200  
Salt Lake City, UT 84101  
Tel: (801) 799-5800  
Fax: (801) 799-5700  
*Attorneys for Plaintiff*

FILED  
U.S. DISTRICT COURT

2010 MAY 18 P 5:19

DISTRICT OF UTAH  
BY:   
DEPUTY CLERK

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

**1-800 CONTACTS, INC.**, a Delaware  
corporation,

Plaintiff,

v.

**EMPIRE VISION CENTER, INC.**, d/b/a  
**LENS 123**, a New York corporation,

Defendant.

**NOTICE OF DISMISSAL WITH  
PREJUDICE**

**ORDER**

Case No. 2:10-cv-173

Judge Dale A. Kimball

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff 1-800  
Contacts, Inc. files this Notice of Dismissal With Prejudice, advising the Court that this  
matter is dismissed with prejudice, with each party to bear its own costs.

Dated this 17th day of May, 2010.

HOLLAND & HART LLP

/s/ Mark A. Miller

Mark A. Miller


Bryan G. Pratt

Brett L. Foster

*Attorneys for Plaintiff*

1-800 Contacts, Inc.

SO ORDERED

  
DALE A. KIMBALL  
United States District Judge

Date May 18, 2010

Graden P. Jackson, #8607  
William B. Ingram, #10803  
R. Roman Groesbeck, #12530  
STRONG & HANNI, PC  
3 Triad Center, Suite 500  
Salt Lake City, Utah 84180  
Telephone: (801) 532-7080  
Facsimile: (801) 596-1508

FILED  
U.S. DISTRICT COURT  
2010 MAY 19 A 10:24  
DISTRICT OF UTAH  
BY: DEPUTY CLERK

*Attorneys for Defendants Pacific West, LLC,  
Jay Harwood, and S. Val Staker*

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**IN THE UNITED STATES DISTRICT COURT,  
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

---

DEVELOPERS SURETY AND INDEMNITY  
COMPANY, an Iowa corporation,

Plaintiff,

v.

PACIFIC WEST, LLC, a Utah limited liability  
company, JAY HARWOOD, and S. VAL  
STAKER,

Defendants.

**ORDER GRANTING STIPULATED  
MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSIVE PLEADING**

Case No. 2:10-cv-188

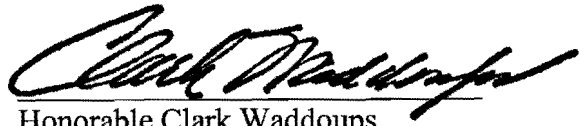
Judge Clark Waddoups

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THIS MATTER comes before the Court on the parties' *Stipulated Motion for Extension of Time to File Responsive Pleading*. Pursuant to Federal Rule of Civil Procedure 6, and good cause appearing therefor, the motion is GRANTED. Defendants Pacific West, LLC, Jay Harwood, and S. Val Staker shall have up to and including May 28, 2010, to file a responsive pleading to Plaintiff's *Complaint* (Docket No. 1).

DATED this 19<sup>th</sup> day of May, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Clark Waddoups", written over a horizontal line.

Honorable Clark Waddoups  
*United States District Court Judge*



Ruth A. Shapiro, #9356  
Ruth.Shapiro@chrisjen.com  
Sarah Elizabeth Spencer, #11141  
Sarah.Spencer@chrisjen.com  
CHRISTENSEN & JENSEN, P.C.  
15 West South Temple, Suite 800  
Salt Lake City, Utah 84101  
Telephone: (801) 323-5000  
Facsimile: (801) 355-3472  
*Attorneys for Defendants*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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GEORGE B. ELLIS, an individual;  
REBECCA MONTGOMERY, an  
individual; THE UTAH ASSOCIATION FOR  
THE DEAF, a Utah non-profit corporation;  
and, DOES I-X, individuals,

Plaintiffs,

vs.

CENTRAL UTAH CLINIC, a Utah  
corporation; THOMAS A. DICKINSON, an  
individual; and ROES I-X,

Defendants.

**ORDER GRANTING STIPULATED  
MOTION TO EXTEND ANSWER  
DEADLINE**

Civil No. 2:10-cv-263

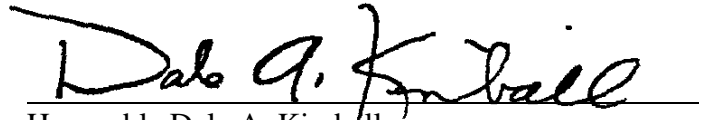
Judge Dale A. Kimball

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THIS MATTER is before the Court on Defendants Central Utah Clinic and Thomas A. Dickinson's Stipulated Motion to Extend Answer Deadline. The Court, having considered the Motion, the Court's file, and the stipulation of counsel, hereby ORDERS that the Motion is GRANTED. The deadline for Defendants' Answer is hereby extended through and including May 21, 2010.

DATED this 18th day of May, 2010.

**BY THE COURT:**

  
Honorable Dale A. Kimball  
District Court Judge

# United States District Court

Central Division for the District of Utah

## ORDER ON APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

Elisa Gedo  
v.  
Miguel Gedo

Case Number: 2:10cv429 TC

Having considered the application to proceed without prepayment of fees under 28 U.S.C. 1915;

IT IS ORDERED that the application is:



GRANTED.



DENIED, for the following reasons:

ENTER this

12<sup>TH</sup>

day of

MAY

, 20 10.



*Signature of Judicial Officer*

Paul M. Warner, U.S. Magistrate Judge

*Name and Title of Judicial Officer*